

REMARKS

Claim 1-33 are pending in the application.

The Examiner in paragraph 1 objected to claim 6 for the reasons set forth therein. By this amendment, claim 6 has been amended as suggested by the Examiner. Accordingly, this objection is no longer applicable.

The Examiner in paragraphs 3-7 of the Official Action, rejected claims 1-33 under the judicially created doctrine of obviousness-type double patenting over the claims of US Patent 6,017,157, US Patent 6,133,985, US Patent 6,512,570, co pending Application No 09/490,346 and co-pending Application No 10/037,810. (It is believed that the Examiner incorrectly referred to Application No. 10/039,546.) Submitted herewith is a Terminal Disclaimer, disclaiming the term of any patent that may be issuing from US Patent 6,017,157; 6,133,985, US patent 6,512,570 or the other applications (Nos. 09/490,436 and 10/037,810) emanating therefrom. Accordingly, the rejections based on double patenting obviousness-type are no longer applicable.

The Examiner in paragraph 9 rejected claims 1-33 under 35 USC § 102(e) as being anticipated by Haneda, US Patent No. 6,243,171 for the reasons set forth therein. In this regard, applicant respectfully submits that the claims in their present form are not taught or suggested by the cited prior art.

It is believed that independent claims 1, 11, 17 and 28 (upon which the remaining claims depend at least ultimately), are patentably distinct over the cited prior art.

First, applicants disagrees with the statement by the Examiner that the '171 patent discloses more than one server. The Examiner refers to cited passages, in particular, column 31, lines 44-67 and column 32, lines 1-11. Applicants respectfully submits that these passages are referring to a single server. While there may be more than one laboratory, there is nothing to indicate that the customer goes to more than on lab. With respect to a management center acting as a relay, at column 18, lines 1-4, this server is not acting as a server for accepting orders but merely for transmitting of the data stream to a particular server. Thus, the management center is merely a switching station akin to an Internet Service Provider whereby the images are simply routed to the appropriate server. In all of the passages disclosed there is only provided a single server for

accepting and processing the order. There is no indication of providing more than one server at a single location. The access code of the present invention allows the identification of the appropriate server where the images can be accessed

Assuming that the '171 patent suggests more than one server, the independent claims of the present invention operate fundamentally different than that of the disclosure of the '171 patent. In particular, the independent claims 1, 11, 17 and 28 are directed to allowing access from a remote location over a communication network to the images stored on a server. This is in contrast to the cited '171 reference which discloses the providing of a user's disk containing images. The user's disk is capable of placing an order with a server through a communication unit. While the server may also have the images stored at least temporarily on disk driver 16, an order is placed by utilization of an ID associated with the user's disk which is also used to identify images that are stored at the server. The user's disk always has images thereon which are utilized for viewing of the images at the playback station which is located at a place such as the user's home for placing orders. There is no teaching or suggestion of directly accessing the images for viewing on the remote server. The images in the '171 reference are accessed from the user's disk and are on the playback device for viewing of the images and for placement of an order which is then transmitted to the server. As set forth in the Background of the '171 patent, one of the main objects of the invention of the '171 patent is for the purpose of making extra prints of the image and for simplifying the ordering of extra copies. In such case it is not necessary to have access to the images on the server as the customer already has the images. All that is necessary is that order data be transmitted (See column 2, lines 48-52 and column 4, lines 28-34. Thus, in this environment, the '171 reference would not teach or suggest accessing of the images at the server from a remote location as taught and claimed by applicants. Quite the contrary, since the images are already at the user's playback station, all that is necessary is the providing of the order data as described in the subject application. Thus, this reference teaches away from the present invention.

The accessing of the images at the server in the present invention assures that the appropriate images are ordered. In the system of the '171 reference, order data is transmitted and relies on the ID for identification of the

images to be ordered. This is in contrast to the present invention there is the ability to access the images at the server for viewing of the images and the placing of orders. Thus, by allowing direct access to the images actually being stored for viewing that which will be used for printing, there is no chance of inadvertently ordering the wrong images for printing due to an incorrect ID. In view of the foregoing, applicants respectfully submits that the cited reference does teach the invention as taught and claimed by applicants.

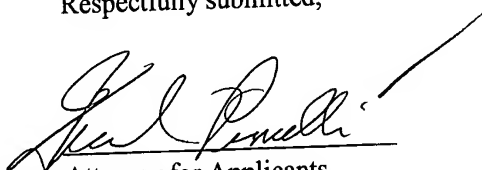
The Examiner in paragraphs 10 and 12 rejected claims 1-33 as being anticipated by Dellert et al., US Patent No. 5,760,916 or Shaffer et al., US Patent No. 5,784,461 in view of Haneda for the reasons set forth therein. Also, submitted herewith is an Affidavit by Steve Gale under 37 C.F.R. 131 setting forth that the invention as currently set forth was in existence in the United States prior to May 23, 1996 which is prior to the earliest filing date of the Dellert et al. or Shaffer et al. patents. In view of the enclosed Affidavit, it is respectfully submitted that these objections are no longer applicable.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

The summary of the invention has been amended to correspond to the claims presently on file.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,


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Version With Markings to Show Changes Made

In the Claims:

Claim 6 have been amended as set forth below:

6.(Once Amended) A server according to claim 1 where said one or more images are stored in a directory wherein each of said one or more images are stored as a file in said directory.

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